

REMARKS

The Office Action mailed 7 October 2002, has been received and its contents carefully noted. The pending claims are claims 1-19. Claims 1-19 were rejected. By this amendment, claims 4, 13 and 14 have been amended. Support may be found in the specification and claims as originally filed. No statutory new matter has been added. Reconsideration is respectfully requested.

Rejection under 35 U.S.C. §112, first paragraph

The Examiner rejected claims 1-19 under 35 U.S.C. 112, first paragraph, as being nonenabled. Specifically, the Examiner deemed that the specification lacks enabling support for using non-prostanoic agonists of prostaglandin EP-2 and EP-4 receptors and for "stopping the loss of hair".

Applicants respectfully submit that the pending claims are fully enabled. The specification provides sufficient disclosure such that one skilled in the art may be able to stop hair loss by using the compositions according to the present invention. Several working examples and methods of stopping hair loss are disclosed in the specification. Lotions for preventing hair loss are provided in Examples 1 and 4 on pages 12 and 14 of the specification. The composition of lotions and method to stop hair loss are disclosed. The lotion may be

applied daily in an amount of 10 ml for 2 to 3 months. Additionally, shampoo for preventing hair loss is provided in Example 2, on page 13. The composition of shampoo and method to stop hair loss are disclosed. The shampoo may be used daily in an amount of 15 grams per head of hair, with an exposure time of about one minute, over a period of 4 months. Gel for preventing hair loss is provided in Example 3 on page 13 of the specification. The composition of gel and method to stop hair loss are disclosed. The gel may be applied twice a day (morning and evening) in an amount of 25 grams to the entire scalp with final massaging for 3 months.

Applicants respectfully submit that these examples show that the methods for preventing hair loss are enabled as the Examples provide that use of the compositions lead to a marked slowing down of the daily loss of hairs. Therefore, Applicants respectfully submit that the claimed invention is enabled and the rejection under 35 U.S.C. 112, first paragraph, should properly be withdrawn.

Rejection under 35 U.S.C. §112, second paragraph

The Examiner rejected claims 13, 14, and 19 under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner deemed that the method claims lack positive active steps.

Applicants respectfully submit that the claims as amended obviate the rejection. Therefore, the rejection under 35 U.S.C. 112, second paragraph, should properly be withdrawn.

Rejection under 35 U.S.C. § 102(a)

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The Examiner rejected claims 1, 2, 10, and 17 under 35 U.S.C. §§102(a) and 102(e) as being anticipated by Cameron et al. (U.S. Patent No. 6,426,359). Specifically, the Examiner deemed that Cameron et al. teach pharmaceutical compositions comprising prostaglandin EP-2 receptor agonist and that the topical composition can be in the form of aqueous solutions containing 0.1 to 5% of the active compound.

Applicants respectfully submit that Cameron et al. relate to a method for stimulating bone formation and increasing bone mass in a mammal comprising selectively agonizing an EP-2 receptor subtype by administering subcutaneously, orally or transdermally to the mammal a therapeutically effective amount of a selective agonist of EP-2 receptor subtype. The use of prostaglandin E2 agonist is disclosed in order to treat, e.g. prevent osteoporosis, bone fractures, osteotomy, and the like. Cameron et al. teach methods of treating bone affections using pharmaceutical compositions comprising prostaglandin EP-2 receptor agonists. Nowhere do Cameron et al. teach or suggest cosmetic compositions comprising non-prostanoic agonists of

prostaglandin EP-2 or EP-4 receptors for attenuating the loss of hair. Therefore, the present invention as claimed is novel and the rejection under 35 U.S.C. 102(a) should properly be withdrawn.

Double Patenting Rejection

The Examiner provisionally rejected claims 1-19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 09/917,215.

Applicants respectfully submit that the copending Application No. 09/917,215 is directed to the use, in cosmetic preparations, of prostaglandin EP-3 receptor antagonists to attenuate, reduce or stop the loss of hair. Antagonists bind to receptors, but do not induce the usual biological response that is induced by the receptors' native ligands. The present invention as claimed is directed to agonists of EP-2 or EP-4 prostaglandin receptors. Antagonists and agonists are not the same. Further EP-2 and EP-4 prostaglandin receptors are not the same as EP-3 prostaglandin receptors. Thus, the applications are directed to two different types of compounds that act on different receptors by different means.

Therefore, the present invention as claimed is directed to subject matter that is patentably distinct from that

claimed in the copending Application No. 09/917,215 and the provisional obviousness-type double patenting rejection should properly be withdrawn.

The Examiner also provisionally rejected claims 1-19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-36 of copending Application No. 09/917,211.

Applicants respectfully submit that copending Application No. 09/917,211 discloses the use, in cosmetic preparations, of prostaglandin EP2 and/or EP4 receptor antagonists to attenuate, reduce or stop the growth of hair. Contrary to the purpose of Application No. 09/917,211, the purpose of the present application is to attenuate, reduce or stop loss of hair.

To lead to these two different purposes, these two inventions implement two different means. Application No. 09/97,211 uses EP-2 and/or EP-4 receptor antagonists. The present application uses EP-2 and/or EP-4 receptor agonists. As explained above, receptor antagonists and receptor agonists act differently on receptors in order to confer different biological responses. Moreover, the purpose of the present invention is to attenuate, reduce or stop the loss of hair rather than

attenuate, reduce or stop the growth of hair as claimed in copending Application No. 09/917,211.

Therefore, the presently claimed invention is patentably distinct from that of copending Application No. 09/917,211 and the obviousness double patenting rejection should properly be withdrawn.

Request for Interview

Applicants respectfully request either a telephonic or an in-person interview should there be any remaining issues.

Extension of Time

A Petition for an Extension of Time for three (3) months under 37 C.F.R 1.136 and the appropriate fee are submitted herewith to extend the time for responding to the Office Action to 7 April 2003.

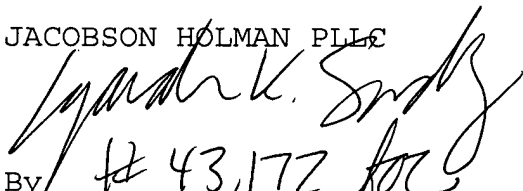
Conclusion

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims to allow these claims and to find this application to be in allowable condition.

Respectfully submitted,

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